

Appendix B:
**Proposed Amendments to
Regulation 18421.1**

Amend 2 Cal. Code Regs. section 18421.1 as follows:

18421.1. Disclosure of the Making and Receipt of Contributions.

Except as otherwise provided by law, the following standards shall be applicable to contributions and expenditures:

(a) A monetary contribution, including one made through wire transfer, credit card transaction, debit account transaction or similar electronic payment option (including one made via the Internet), is “made” on the date that the contribution is mailed, delivered, or otherwise transmitted to the candidate or committee. Alternatively, the date of the check or other negotiable instrument by which the contribution is made may be used in lieu of the date on which the contribution is mailed, delivered, or otherwise transmitted, provided it is no later than the date the contribution is mailed, delivered, or otherwise transmitted.

(b) Notwithstanding subdivision (a), for purposes of the disclosure of late contributions, as defined in Government Code ~~Section~~ section 82036 and pursuant to Government Code ~~Section~~ section 84203, a monetary contribution is “made” on the date the contribution is mailed, delivered, or otherwise transmitted to the candidate or committee. Consistent with ~~California Code of Regulations, Title 2, Section 2~~ Cal. Code Regs. section 18401, the candidate or committee shall maintain documentation to support the date the contribution was made.

(c) A monetary contribution is “received” on the date that the candidate or committee, or the agent of the candidate or committee, obtains possession or control of the check or other negotiable instrument by which the contribution is made. All contributions received by a person acting as an agent of a candidate or committee shall be reported to and disclosed by the candidate or committee, or by the committee’s treasurer, no later than the closing date of the next

1 campaign statement that the committee or candidate is required to file.

2 (d) Notwithstanding subdivision (c) above, a monetary contribution collected by means
3 of payroll deductions or membership dues by a membership organization for its sponsored
4 committee pursuant to Government Code ~~Section~~ section 82048.7(b)(2) is “received” by the
5 committee on the earlier of the following:

6 (1) The date that the committee obtains actual possession or control of the contribution;

7 (2) Within 60 days after the receipt of the payment by the committee’s sponsor.

8 (e) Notwithstanding subdivision (c) above, a monetary contribution made through wire
9 transfer, credit card transaction, debit account transaction or similar electronic payment option
10 (including those made via the Internet) is “received” on the date the candidate or committee, *or*
11 *the agent of the candidate or committee*, obtains possession or *has* control of the debit/credit
12 account information or other payment information by which the contribution is made, or on the
13 date the candidate or committee, *or the agent of the candidate or committee*, obtains possession
14 or *has* control of the funds, whichever is earlier.

15 ~~(e)(f)~~ A nonmonetary contribution is “made” by the contributor, and “received” by the
16 candidate or committee, on the earlier of the following dates:

17 (1) The date that funds are expended by the contributor for goods or services, if the
18 specific expenditure is made at the behest of the candidate or committee;

19 (2) The date that the candidate or committee, or the agent of the candidate or committee,
20 obtains possession or control of the goods or services, or the date that the candidate or committee
21 otherwise receives the benefit of the expenditure.

22 ~~(f)(g)~~ The standards for when a contribution is “made” and “received” set forth in this

1 section are not applicable where a contribution is disposed of pursuant to Government Code
2 ~~Sections~~ sections 84211(q), 84203(c), or ~~California Code of Regulations, Title 2, Section 2 Cal.~~
3 Code Regs. section 18531.
4 NOTE: Authority cited: Section 83112, Gov. Code.
5 Reference: Sections 82015, 82025, 82048.7, 84203, 84211 and 84306, Gov. Code.
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